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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,952	01/26/2004	Hideo Kato	G121-082 US	9310
21706	7590	04/19/2006	EXAMINER	
NOTARO AND MICHALOS				PEACHES, RANDY
100 DUTCH HILL ROAD				
SUITE 110				
ORANGEBURG, NY 10962-2100				
		ART UNIT		PAPER NUMBER
		2617		

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/764,952	KATO, HIDEO	
	Examiner Randy Peaches	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 January 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_.  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)  
 Paper No(s)/Mail Date \_\_\_\_\_. 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-2 and 4*** are rejected under 35 U.S.C. 102(b) as being anticipated by Tsugane et al. (U.S. Patent Number 5,657,370).

Regarding ***claim 1***, Tsugane et al. discloses a slide mechanism, see FIGURE 3A-D, to connect the 1<sup>st</sup> housing (1), which reads on claimed "first member," and a 2<sup>nd</sup> housing (2), which reads on claimed "second member," a formed separately from each other to be slidable in one direction to form a closed state in which the said 1<sup>st</sup> housing (1) and the said 2<sup>nd</sup> housing overlap one another, and to form an opened state in which the top face of either member is exposed, said slide mechanism comprising:

- a slider (8), which reads on claimed "a pair of a hinge device," provided with a guide grooves (7) attached on both sides, which reads on claimed "guide member," to be exposed and moveably forwardly and backwardly by being biased slidably in one direction. See column 4 lines 18-37 and FIGURE 3B;
- a guide groove (7) provided on both sides of the other one of the first and second member, to the said guide grooves (7) of the said slider (8) in an engaged state.

See FIGURE 3B;

- a recessed portion (9) provided on each said groove to receive and lock each guide groove of the said slider (8) at a selected position. See column 4 lines 38-47; and
- an wiring (11), which reads on claimed "engagement means," to engage to prevent the transmitter and the receiver from separating, which reads on claimed "first and second member,". See column 4 lines 48-60 and FIGURE 5.

Regarding **claim 2**, according to claim 1, Tsugane et al., further discloses:

- the said first and second member being respective transmitter and receiver of a portable phone. See column 4 lines 48-60 and FIGURE 5;
- each said slider (8) comprising a slider case, each said guide groove being a ball bearing slidably and rotatably mounted to one side of the said slider case in an engaging condition and in a protruding condition, the resilient means interposed between said hinge case and said receiver. See column 4 lines 48-60 and FIGURES 5 and 3B

Regarding **claims 4**, according to **claim 1**, Tsugane et al. discloses a cellular portable radiotelephone, which reads on claimed "portable phone," comprising:

- a box of a transmitter composing a first member and a box of a receiver composing a second member separately. See column 2 lines 16-25;
- wherein said cellular portable radiotelephone forms a closed state covering the top face of said transmitter with said receiver, and an opened state of sliding said

receiver in one direction from said transmitter to expose the top face thereof by connecting the transmitter and the receiver slidably to each other via the slide mechanism. See FIGURE 3a-d and FIGURE 4a-c.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 3 and 5*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (U.S. Patent Number 5,657,370) in view of Hansen et al. (U.S. Patent Number 6,370,362 B1).

Regarding ***claims 3 and 5*** according to ***claims 2 and 4***, Tsugane et al., further discloses:

- a slider (8), which reads on claimed "hinge device," provided with a guide groove (7), which reads on claimed "guide member," on the tip attached to one side of either the said 1<sup>st</sup> housing (1) or the said 2<sup>nd</sup> housing, allowing the said guide groove (7) to expose to be movable forward and backward by being biased slidably in one direction. See column 4 lines 18-37;

- a recessed portion (9) provided on the other member out of the above-described first and second members to receive the guide member of the hinge device at a predetermined slide position. See column 4 lines 38-47; and
- a recessed portion to receive and lock the guide groove at an appropriate position of said guide groove. See column 4 lines 48-60 and FIGURE 4b.
- Additionally, Tsugane et al. teaches in FIGURE 4B wherein the said housing is pivotally displaced allowing the said housing to angle toward the user.

However, Tsugane et al. fails to clearly disclose wherein the said guide groove is disposed in a bent state so that the second member forms an obtuse angle with the first member when the first member and the second member are in an opened state.

Hansen et al. discloses in column 1 lines 30-40 wherein the sliding rails, which reads on claimed "guide groove," is slightly curved, which reads on claimed "bent," substantially the entire length of the said rails.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Tsugane et al. to include Hansen et al. in order to provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

### ***Response to Arguments***

Applicant's arguments with respect to ***claim 1-5*** have been considered but are moot in view of the new ground(s) of rejection.

Regarding ***claim 1***, the Applicant asserts that the prior art of record fails to clearly render sufficient support wherein the said guide grooves are provided on both sides of the said device and additionally, the said slider in an engaged state and a recessed portion provided on each guide groove to receive and lock the said guide groove of the said slider at a predetermined position. Tsugane clearly teaches in the referenced portion provided in the above Office Action wherein the said guide grooves is shown on both sides of the portable device and when moved to a predetermined position, the said slider is locked in position. The slider is not fixed. FIGURE 3abcd and FIGURE 4abcd clearly displays how the said slider is moveable along the guide groove (7).

Regarding ***claim 2*** the applicant argues that the cited prior art of Hansen fails to support a pair of hinge device. The Examiner respectfully maintains that Hansen clearly teaches of this feature in FIGURE 5.

Therefore based on the information presented in the above Office Action and the response to the Applicant's argument, ***claims 1-5*** stand rejected.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches  
April 13, 2006



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER